

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOUIS ROBERTS :
Plaintiff, :
-v- : 20-CV-9694 (JMF)
JUSTIN GITELIS, et al., : ORDER
Defendants. :
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JESSE M. FURMAN, United States District Judge:

Plaintiff Louis Roberts brings this action against Defendants Justin Gitelis and Michael Gitelis. Although he presumably invokes the Court's subject-matter jurisdiction on the ground of diversity of citizenship, *see* 28 U.S.C. § 1332, the basis for jurisdiction is not actually stated in the Complaint itself, as required by Rule 8(a)(1) of the Federal Rules of Civil Procedure. Moreover, he does not properly plead the citizenship of the parties. The Complaint alleges only that Plaintiff "maintains an office in . . . New York" and that Defendants "maintain[]" residences in Illinois. Compl. ¶¶ 1-3. That does not suffice to establish diversity of citizenship, as required by Section 1332. *See St. Paul Fire & Marine Ins. Co. v. Universal Builders Supply*, 409 F.3d 73, 80 (2d Cir. 2005).

"[S]ubject matter jurisdiction is an unwaivable *sine qua non* for the exercise of federal judicial power." *Curley v. Brignoli, Curley & Roberts Assoc.*, 915 F.2d 81, 83 (2d Cir. 1990). Accordingly, it is hereby ORDERED that, on or before **November 25, 2020**, Plaintiff shall amend his Complaint to properly allege the *citizenship* of each party to this action and to include a jurisdictional statement in accordance with Rule 8. If, by that date, Plaintiff is unable to amend the Complaint to truthfully allege complete diversity of citizenship, then the Complaint will be dismissed for lack of subject matter jurisdiction without further notice to any party.

SO ORDERED.

Dated: November 19, 2020
New York, New York



JESSE M. FURMAN
United States District Judge